

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

April 9, 2009

IN RE:

PETITION FOR APPROVAL TO TRANSFER HC SEWAGE
TREATMENT LLC'S AUTHORITY TO PROVIDE
WASTEWATER UTILITY SERVICES TO GREENEVILLE OIL
AND PETROLEUM, INC.

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DOCKET NO.
08-00222

ORDER GRANTING MOTION OF GREENEVILLE SEWAGE LLC
TO PERMIT SUBSTITUTE TESTIMONY AND TO PERMIT ALLEN JOHNSON
TO APPEAR TELEPHONICALLY AT THE HEARING

This matter came before the Hearing Officer upon the *Motion of Greeneville Sewage LLC to Permit Substitute Testimony and to Permit Allen Johnson to Appear Telephonically at the Hearing* ("Motion") filed on behalf of Greeneville Sewage LLC ("Greeneville") on April 9, 2009. The *Motion* requests permission to substitute the Testimony of Allen Johnson, as attached to the *Motion*, for the Pre-Filed Testimony of Allen Johnson submitted with the *Petition to Transfer the Certificate of Public Convenience and Necessity of HC Sewage Treatment, LLC to Greeneville Oil and Petroleum, Inc.* (the "*Petition*"). Additionally, the *Motion* requests permission for Allen Johnson to appear and participate telephonically at the hearing on the merits of the *Petition* scheduled on April 14, 2009 at 2:00 p.m. CST.

Tenn. Code Ann § 4-5-312 (c) (2004) addresses electronic participation at a hearing as follows:

(c) In the discretion of the administrative judge or hearing officer and agency members and by agreement of the parties, all or part of the hearing may be conducted by telephone, television or other electronic means, if each participant in the hearing has an opportunity to participate in, to hear, and, if technically feasible, to see the entire proceedings while taking place.

In its *Motion*, Greeneville states that significant expenses have been incurred to accomplish the transfer. In an effort to avoid additional expenses and lessen scheduling conflicts, Greeneville submits its request for telephonic appearance of its corporate representative and witness, Allen Johnson. In accordance with the above-referenced statute and considering that Greeneville has made its request in a timely manner, the Hearing Officer finds the *Motion* well-taken and hereby grants Greeneville's requests for substitution of testimony, and for telephonic appearance of Allen Johnson in the Hearing noted above, conditioned upon the following:

1. Greeneville is solely responsible for, and shall be required to, secure a properly licensed Notary Public in good standing in the State or jurisdiction where the testimony is to be given, and who will physically appear with Allen Johnson, corporate representative and witness, who at the Hearing will be called telephonically to give live testimony or to ratify testimony previously filed with the Tennessee Regulatory Authority.

2. The Notary Public secured by Greeneville, as noted above, shall be duly authorized to administer the Testimonial Oath, and shall do so during the Hearing and remain physically present with Allen Johnson at all times during his testimony and until such time as he is excused from examination by the Hearing Officer.

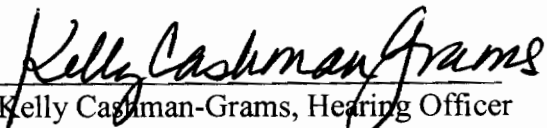
3. Following the conclusion of the Hearing, the Notary Public shall prepare and sign an Affidavit, affirming the proven identity of the witness, Allen Johnson, the fact that such person was sworn by the Notary Public, and that the testimony given by the sworn witness was in accordance with the highest ethical and legal standards as observed by the Notary Public. The Affidavit shall bear the official seal of the signing Notary Public, and the testifying witness, Allen Johnson, shall also be required to sign a conforming Witness Certification. (As a courtesy, sample forms of the *Witness Certification and Notary Public Affidavit* are attached hereto as Exhibit A.)

4. The original Notary Public Affidavit and the original Witness Certification described above shall be post-marked within five (5) days of the Hearing and received by the Hearing Officer via postage-paid U.S. Mail. In the event that both a Notary Public Affidavit and Witness Certification properly containing the affirmations noted above fails to be produced to the Hearing Officer as set forth herein, the testimony of the witness may be struck from the record and may constitute grounds sufficient for denial of the petition.

IT IS THEREFORE ORDERED THAT:

1. The Testimony of Allen Johnson, as attached to the *Motion of Greeneville Sewage LLC to Permit Substitute Testimony and to Permit Allen Johnson to Appear Telephonically at the Hearing*, is substituted for the Pre-Filed Testimony of Allen Johnson previously submitted with the *Petition to Transfer the Certificate of Public Convenience and Necessity of HC Sewage Treatment, LLC to Greeneville Oil and Petroleum, Inc.*

2. Mr. Allen Johnson, corporate representative and witness, of Greeneville Sewage LLC may, subject to the conditions set forth in this Order, appear and participate telephonically in the Hearing on the merits scheduled on April 14, 2009 at 2:00 p.m. CST by calling (615) 532-7746 in advance of the commencement time set for the Hearing. The Hearing will start promptly at the aforementioned time.


Kelly Cashman-Grams, Hearing Officer

cc: Interested Parties
Original in Docket File

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

IN RE:

(Case Style)

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Docket No. 00-00000

WITNESS CERTIFICATION

Affiant, after first being duly sworn according to law, deposes and states as follows:

I, _____, attest and certify that I provided testimony via telephone before the Tennessee Regulatory Authority at the Hearing on the _____ day of _____, 20____. I have read the Affidavit of the Notary Public, Mr./Mrs. _____, who administered the Testimonial Oath to me and thereafter witnessed my testimony, and I further acknowledge and affirm that the testimony I provided proceeded as stated therein.

FURTHER WITNESS SAITH NOT.

WITNESS my hand, at office, this _____ day of _____, 20____.

SIGNATURE OF WITNESS

NAME OF WITNESS (Printed)

EXHIBIT A

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

IN RE:

(Case Style)

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Docket No. 00-00000

NOTARY PUBLIC AFFIDAVIT

Affiant, after first being duly sworn according to law, deposes and states as follows:

1. I am _____, a Notary Public in good standing in the State of _____, County of _____. All statements set out in this Affidavit are made of my own personal knowledge.

2. My business address and telephone phone where I may be contacted is:

3. Mr./Ms. _____ (Witness") personally appeared before me and provided _____ (type of identification) which I verified, on the _____ day of _____, 20____ for the purpose of providing sworn testimony via telephone at a Hearing before the Tennessee Regulatory Authority.

3. During the Hearing, on the record, I administered the testimonial oath to Witness prior to the Witness providing testimony via telephone before the Tennessee Regulatory Authority.

4. I remained physically present with the Witness at all times during the Witness' testimony until such Witness was excused from examination by the Hearing Officer.

5. The testimony I observed being given by the Witness was in accordance with the highest ethical and legal standards.

FURTHER AFFIANT SAITH NOT.

WITNESS my hand, at office, this _____ day of _____, 20____.

(OFFICIAL SEAL)

NOTARY PUBLIC

NOTARY PUBLIC (Printed)

My Commission Expires: